

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAMES RENO, a single person,

Plaintiff,

v.

NO. 1:22-cv-3183

CITY OF YAKIMA, a governmental
entity, by and through the CITY OF
YAKIMA POLICE DEPARTMENT, a
governmental agency; BRAD
ALTHAUSER AND JANE DOE
ALTHAUSER; Defendants.

**PLAINTIFF'S COMPLAINT FOR
PERSONAL INJURY AND DAMAGES
AND JURY DEMAND**

COMES NOW the plaintiff, James Reno, by and through his attorney of record,
Patrick R. West of West Law Firm, P.S., and hereby alleges against the defendants as
follows:

I. PARTIES

1.1 The plaintiff, James Reno, at all times pertinent hereto was a resident of
Yakima County, Washington, and all acts related to the matter alleged herein occurred
in Yakima County, Washington.

1.2 The defendant, City of Yakima, by and through the City of Yakima Police
Department, was and is a governmental entity and at all times material hereto acted
through the City of Yakima Police Department.

PLAINTIFF'S COMPLAINT FOR PERSONAL INJURY
AND DAMAGES AND JURY DEMAND - 1

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III. FACTS

3.1 On or about November 19, 2019, Officer James Sandall of the Moxee Police Department attempted to detain the plaintiff James Reno after he had parked and exited his vehicle in a parking lot adjacent to a local business, Olympic Fruit, located at 2450 Beaudry Road in Moxee, Washington.

3.2 James was walking away from his vehicle when Officer Sandall suddenly told James “stop...go back to your car”, and James stopped and asked why he was being arrested. Officer Sandall did not provide a response and instead threatened James and stated: “I am going to fucking taze you dude, get your hands out of your pockets right now”. James became frightened, complied, and asked why he was being arrested.

3.3 Officer Sandall told James to “get on the ground” and James complied while repeatedly asking Officer Sandall why he was being arrested. Instead of providing an answer, Officer Sandall observed a knife on James’s hip and shouted “I will fucking shoot you if you reach for it.”

3.4 James immediately started to fear for his life and became increasingly concerned that Officer Sandall was going to shoot him. He got on the ground and told Officer Sandall to take his knife from him, but Officer Sandall again just stated: “do not reach for it...you are under arrest and do not have a good license.”

3.5 James became extremely upset and feared for his life because Officer Sandall had just threatened to kill him. James complied with Officer Sandall’s requests and put his hands behind his back, but while Officer Sandall was attempting to handcuff James, he suddenly jumped up and pulled out his gun and pointed it at James.

1 3.6 “I am not going to do anything with the knife!” James cried uncontrollably
2 and pleaded with Officer Sandall to “please stop!” At this point, James believed that
3 Officer Sandall was going to shoot him and he took off his knife and threw it at the feet
4 of Officer Sandall and told him “I’m not a threat”. Officer Sandall even indicated in his
5 report that James did not throw the knife at him in an assaultive manner, but continued
6 to keep James at gun point.

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8 3.7 James became increasingly frightened that Officer Sandall was pointing a
9 gun at him and he cried and stated: “please don’t do this.” James then ran away from
10 Officer Sandall into and out of the building of Olympic Fruit, reentered his vehicle, and
11 drove away. Officer Sandall then followed in a vehicle pursuit.

12 3.8 During the pursuit, Officer Sandall lost sight of Mr. Reno’s vehicle, but
13 ultimately found it stopped on the side of the road at the 1000 block of Birchfield Road
14 and Norman Road. When Officer Sandall approached and looked inside the vehicle, Mr.
15 Reno was no longer there. Officer Sandall then called for a K-9 unit to track James.

16 3.9 James had left his vehicle on the side of the road and because he was
17 terrified that the police were going to kill him, walked as far from his vehicle as he
18 could before passing out due to mental and physical exhaustion. He was unarmed.

19 3.10 Yakima Police Department Officer Brad Althausser and his K-9 “Zorro”
20 later responded to the scene to being a K-9 track of James.

21 3.11 Officer Althausser stated in his report that James was “armed with a knife”,
22 but in fact Officer Sandall had taken possession of James’ knife. Also, James did not
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1 display any violent behavior to Officer Sandall when the officer attempted arrest him
2 for driving without a valid license.

3 3.12 A number of additional police officers arrived on the scene to assist the K-
4 9 track of James. This included, but is not limited to police officers and deputies from
5 the Yakima Police Department and Yakima County Sheriff's Office.

6 3.13 The K-9 deployment took approximately half an hour, but ultimately
7 Officer Althausen and K-9 Zorro found James on the side of a driveway underneath
8 "three-foot-tall bushes" with his face on the ground and motionless. A number of
9 officers surrounded James at that point, but none of the officers attempted to move up
10 and arrest James. Instead, Officer Althausen gave K-9 Zorro a command to bite James.

11 3.14 After Officer Althausen gave K-9 Zorro the bite command, the K-9 actually
12 failed to respond to the command and went near James, but returned to the officer
13 without biting him. Officer Althausen then gave K-9 Zorro another bite command and
14 that is when Zorro bit James on the right calf.

15 3.15 James did not hear any K-9 warning prior to the attack. He was passed out
16 and none of the officers present approached him and attempted to wake him up. Instead,
17 he woke with K-9 Zorro biting his right leg. James jumped up and screamed and
18 reflexively tried to push K-9 Zorro away from his leg, but then Officer Althausen
19 punched James in his face – actually breaking his hand – and then grabbed James' arms
20 and forced him to the ground. The assisting officers also helped to subdue James by
21 holding his arms. He was fully under the officers' control and could not move.
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1 3.16 James then cried and pleaded with the officers to get the K-9 off of him, but
2 Officer Althausser told James he couldn't get K-9 Zorro off of James' leg because of the
3 bushes. Officer Althausser then requested James to get out of the bushes in order for him
4 to release K-9 Zorro, but James of course was subdued by the police officers and
5 couldn't move. James cried and pleaded with Officer Althausser and eventually the
6 officers dragged James out of the bushes while K-9 Zorro was still biting James' right
7 leg. Officer Althausser admitted that he was only able to get K-9 Zorro off of James' leg
8 after Zorro was out of the bushes, but the K-9 had caused severe damage from the
9 continuous and repetitive biting. Below are photographs of James's right leg following
10 K-9 Zorro's repeated attacks that Officer Althausser was unable to stop:
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3.17 Officer Althausser had been an active K-9 handler for the City of Yakima Police Department for only several months prior to the incident involving James Reno. The City of Yakima Police Department was responsible for hiring, supervising, training, and retaining Officer Althausser and K-9 Zorro as a K-9 unit and failed to properly supervise, train, or otherwise sufficiently the K-9 unit on proper use and K-9 deployment techniques. Officer Althausser was unable to properly warn James Reno of

1 the K-9 deployment, deploy K-9 Zorro, properly control K-9 Zorro with verbal
2 commands after deployment, resulting in serious injury to James.

3 3.18 The City of Yakima Police Department was also aware of and ratified
4 improper K-9 deployments and adopted these improper K-9 deployments as a policy
5 and/or custom that resulted in injury to citizens, including James Reno.

6 3.19 As a result of the City of Yakima Police Department's failures, including
7 but not limited its failure to properly supervise, train, or otherwise assist Officer
8 Althausen in the proper use and deployment of K-9 Zorro, the plaintiff suffered severe
9 trauma and permanent injuries to his leg.

11 IV. FIRST CAUSE OF ACTION - NEGLIGENCE

12 5.1 Plaintiff realleges and hereby incorporates each and every allegation set
13 forth above.

14 5.2 The City of Yakima, acting by and through the City of Yakima Police
15 Department, and its officers in their official capacities, as a matter of policy, custom, or
16 practice, negligently hired, supervised, trained, and otherwise failed to control Officer
17 Althausen and K-9 Zorro, proximately causing injury to the plaintiff.

18 5.4 Defendant Brad Althausen, acting within the scope of his employment with
19 the City of Yakima Police Department, negligently deployed and utilized K-9 Zorro,
20 and/or violated the policies and procedures of the City of Yakima Police Department, in
21 addition to state and federal laws/regulations, proximately causing injury to the
22 plaintiff.
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1 **V. SECOND CAUSE OF ACTION – CIVIL RIGHTS VIOLATIONS**

2 6.1 Plaintiff realleges and hereby incorporates each and every allegation set
3 forth above.

4 6.2 At all times material hereto, defendants were acting under color of state law.

5 6.3 At all times material hereto, plaintiff had constitutionally protected liberty
6 interests in life, personal security, bodily integrity, being free from harmful physical
7 contact or emotional injury, freedom on travel, and had constitutionally protected rights
8 to equal protection, as well as procedural and substantive due process of law.
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10 6.4 The defendant City of Yakima, acting by and through the Yakima Police
11 Department and its officers in their official capacities, as a matter of policy, custom, or
12 practice: a) failed to adequately train its officers in the limits the constitution places on
13 the use of police dogs, or alternatively, failed to communicate its policy regarding
14 constitutional use of police dogs to its police officers; b) failed to adequately supervise
15 its defendant officers with respect to such officers' constitutional deprivations; and c)
16 failed to address these failures despite being informed of such policy and customs
17 resulting in innocent citizens being attacked in the same or similar fashion.

18 6.5 K-9 Zorro continuously bit and mauled plaintiff James Reno after James
19 had given himself up and was in the control of multiple police officers. And although
20 Officer Althausen intended K-9 Zorro to initially bite and hold James, he was unable to
21 get him to stop, even after James had been apprehended and was no longer a threat and
22 was pleading for the dog to stop biting his leg.
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1 6.6 Defendant City of Yakima Police Department ratified Of bite and hold
2 techniques and training of K-9 units in an excessive manner and created a policy and
3 practice that led to the deprivation of the plaintiff James Reno's civil rights as related
4 herein.

5 6.8 The actions of Officer Althausser and K9 Zorro were reckless and/or made
6 with deliberate indifference and were unreasonable in nature and constituted use of
7 excessive force in violation of the 4th Amendments of the United State Constitution and
8 42 U.S.C. §1983.
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10 **VI. DAMAGES**

11 7.1 Plaintiff reallages and hereby incorporates each and every allegation set
12 forth above.

13 7.2 As a direct and proximate result of defendants' negligence and civil rights
14 violations referenced above, plaintiff incurred past and future medical expenses, past
15 and future income loss, permanent disability, impaired earning capacity, general
16 damages for pain and suffering, loss of enjoyment of life and other damages, all in
17 amounts to be proven at the time of trial.

18 WHEREFORE, plaintiff prays for judgment against the defendants, and each of
19 them, and their marital community, for damages as alleged, plus costs, and reasonable
20 attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and as otherwise authorized by
21 statute or law, and for such other and further relief as the court deems just and proper.
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23 Plaintiff further demands a jury trial on this matter.

1 DATED this 18th day of November, 2022.

2 WEST LAW FIRM, P.S.

3 By: 

4 Patrick R. West, WSBA #41949
5 Attorneys for Plaintiff
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